

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:20-mc-00048

IN RE: COVID-19 ADMINISTRATIVE
ORDER REVISING COURT
OPERATIONS FOR PHASE TWO

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ORDER

THIS MATTER is before the Court *sua sponte* in response to the recent outbreak of the COVID-19 coronavirus in the United States and the State of North Carolina and the continually changing circumstances arising from it. The United States District Court for the Western District of North Carolina continues to closely monitor the spread of the novel coronavirus including the nation-wide efforts to mitigate the public health and economic impact thereof, paying careful attention to the updated guidance from the Centers for Disease Control and Prevention (“CDC”). Efforts are now beginning toward easing the restrictions that were intended to mitigate contagion and “flatten the curve”. These efforts are reflected in the most recent Executive Order of the Governor of North Carolina transitioning the state to a “safer at home” policy (Exec. Order No. 141) and recent statements of the President of the United States. The Court has previously entered four Orders in response to these public health conditions. See Doc. No. 1 (IN RE: RESTRICTIONS ON VISITORS TO COURTHOUSES (March 17, 2020)); Doc. No. 2 (IN RE: COURT OPERATIONS HOURS DUE TO COVID-19 (March 23, 2020)); Doc. No. 3 (IN RE: VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS UNDER CARES ACT (March 30, 2020)); and Doc. No. 4 (IN RE: COVID-19 ADMINISTRATIVE ORDER REGARDING CRIMINAL JURY TRIALS AND OTHER MATTERS (April 1, 2020)). This

Order is to supersede the Orders restricting visitors to courthouses (Doc. No. 1), limiting court operations hours (Doc. No. 2), and addressing criminal jury trials and other matters (the “Phase 1 Order”) (Doc. No. 4). The Order concerning video teleconferencing for criminal proceedings under the CARES Act (Doc. No. 3) shall continue in effect.

The conditions continue to evolve, but at this time the Court finds it appropriate to calibrate its response in accordance with actions by the Governor and President. Given the ongoing risks posed by the spread of coronavirus in the Western District of North Carolina, and taking into account the developments since the issuance of the Phase 1 Order, and also considering the necessary, essential, and Constitutionally mandated role of this Court (as well as other courts) in maintaining social order,

IT IS THEREFORE ORDERED:

1. All United States Courthouses in the Western District of North Carolina will remain open for business, subject to the limitations outlined in this Order or as otherwise directed by a presiding judge in a United States Courthouse.
2. Hearings in criminal matters will be conducted within the discretion of the presiding judge subject to the limitations set out in paragraphs 7, 8, and 10 herein. This includes sentencings, revocation hearings, and plea hearings, which will ordinarily be conducted in person in the courthouse. Magistrates Court will continue to be conducted via video teleconference when available, in accord with the March 30 Order.
3. Civil motion hearings may be conducted in the courthouse or via video teleconference as directed by the presiding judge in the matter.
4. Jury trials in criminal cases can now be resumed in the discretion of the presiding judge. Jury trials in civil matters may be resumed, subject to courtroom availability, in the discretion of the presiding judge. All trials are subject to being conducted with the limitations as set forth in paragraphs 8 and 10 herein, and subject to the availability of a sufficient number of jurors.
5. In Asheville, all jury trials shall be conducted in Courtroom 1. All other district court and magistrates court hearings will be conducted, if possible, in Courtroom 1, but if Courtroom

1 is not available then in Courtroom 2 or 3. In Charlotte, all jury trials shall be conducted in the Potter Courtroom. All other district court and magistrates court hearings shall be conducted in Courtroom 1-1. Any bankruptcy hearings requiring a courtroom shall be conducted in the bankruptcy courtrooms in Asheville and Charlotte.

6. The limitations on grand jury proceedings as set out in the Phase 1 Order are hereby lifted.
7. Court hearings will continue to be scheduled such as to allow reasonable sanitation of the courtroom between each hearing.
8. Courtrooms will continue to be arranged as to promote social distancing practices. This will necessitate that public seating in the courtrooms be very limited. For jury trials, this may necessitate that public attendance be only via remote video viewing.
9. The Court will resume its normal business hours upon the effectiveness of this Order. This includes scheduling of court proceedings that may continue past 3:00 pm.
10. The Court will maintain its current practice of entertaining motions to continue any proceedings based on the health condition or vulnerability of any attorney or party, to be addressed at the discretion of the presiding judge.
11. While most regular meetings can continue to be conducted via Skype or other electronic means, more substantive meetings (e.g. the Judges meetings, security meetings and Department Head meetings) will, to the extent possible, be conducted in the manner such meetings were held prior to the current public health crisis.
12. Teleworking for employees of the Court will continue to be allowed, but will be curtailed in accord with the discretion of the supervisor of each employee. The Court will endeavor to identify those employees who need to continue to telework on a full time or part time basis due to health considerations, child care issues, having vulnerable persons living in their household, or based on the configurations of the work area of the employee in view of social distancing considerations. Any employee who is not well (e.g. fever of 100.4 degrees or higher, exhibiting symptoms of contagious illness) are directed not to report for work at their duty station. Such employee, however, shall telework if at all possible.
13. Members of the public coming to the courthouse for any purpose will be allowed into the building provided that they are not experiencing any contagious illness (as manifested by fever or other symptoms), and have not been in contact during the prior 14 days with any person who they know or have reason to believe may have contracted the COVID-19 virus. All such members of the public shall be required to adhere to the social distancing requirements imposed by the Court. Signage to this effect shall be posted at the public entrance of each courthouse.
14. Items and documents required to be filed in hard copy shall be deposited in a drop box in the lobby of the courthouse in the same manner as the Court received those filings under

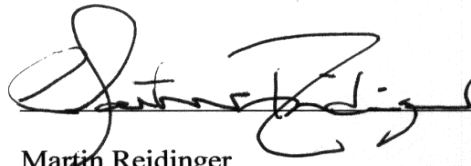
the Phase 1 Order.

15. Any events that are not connected to any case pending in this Court (e.g. naturalization ceremonies, continuing legal education courses, tours, use of the facilities by other tribunals, public administration of oaths of admission to attorneys) will be scheduled on a case-by-case basis by the Clerk of Court, considering the space available, the number of persons expected to attend, and the ability of the expected participants to abide by the social distancing requests of the Court. Any mediations requested to be scheduled in the courthouse will be allowed within the discretion of the Clerk or the presiding judge, considering the availability of space, the number of participants expected, the ability of such participants to adhere to the social distancing practices and to meet the requirements for members of the public as set out in Paragraph 12, above.
16. This Order shall be effective at 12:01 am on June 1, 2020, and shall remain in effect until further order of this Court.

IT IS SO ORDERED.

Entered by the Direction of and with the Consent of the Board of Judges

Signed: May 29, 2020


Martin Reidinger
United States District Judge

